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Attorney for BANK OF AMERICA, N.A.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:	§ CASE NO. 18-40419-BTR-7
	§
CHRISTOPHER LANE MCDUGAL,	§
Debtor	§ CHAPTER 7
	§
BANK OF AMERICA, N.A.,	§
Movant	§ HEARING DATE: _____
	§
v.	§ TIME: _____
	§
CHRISTOPHER LANE MCDUGAL;	§
CHRISTOPHER J. MOSER,	§
Trustee	§
Respondents	§ JUDGE BRENDA T. RHOADES

**MOTION OF BANK OF AMERICA, N.A.
FOR RELIEF FROM STAY OF ACTION AGAINST DEBTOR(S) PURSUANT TO 11
U.S.C. § 362(a) AND WAIVER OF THIRTY DAY REQUIREMENT PURSUANT TO
§ 362(e)**

NOTICE

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN 14 DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Movant, BANK OF AMERICA, N.A., by and through the undersigned attorney, and moves the Court as follows:

1. This Motion is brought pursuant to 11 U.S.C. §362(d) in accordance with Rule 4001 of the Bankruptcy Rules.
2. On or about March 01, 2018, Debtor (hereinafter "Debtor") filed a petition for an order of relief under Chapter 7 of the Bankruptcy Code, 11 U.S.C.
3. At the time of filing the Chapter 7 petition, Movant held a Note executed on August 4, 2003, by SHANNON MCDUGAL and CHRIS L. MCDUGAL in the original amount of FOUR HUNDRED NINETY-SEVEN THOUSAND DOLLARS AND ZERO CENTS (\$497,000.00) with interest thereon at the rate of 5.750% per annum. A true and correct copy of the Note is attached hereto as Exhibit "A".
4. The indebtedness is secured by a Deed of Trust dated August 4, 2003 and executed by SHANNON MCDUGAL and CHRIS L. MCDUGAL on real estate with all improvements known as:

BEING LOT 11, BLOCK A OF STARWOOD PHASE ONE-VILLAS OF STAR CREEK (VILLAGE 2) AND STAR RIDGE (VILLAGE 3) AN ADDITION TO THE CITY OF FRISCO, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME J. PAGE 196, MAP RECORDS, COLLIN COUNTY, TEXAS

A true and correct copy of the Deed of Trust is attached hereto as Exhibit "B".

5. Debtor has failed to maintain current the payments due under the Note and as of March 23, 2018 is in arrears for 3 payments through and including the March 1, 2018 payment.

6. The outstanding indebtedness to Movant is \$356,276.17 principal plus accrued interest, late charges, attorneys fees and costs as provided in the Note and Deed of Trust.

7. In accordance with the terms of the Note and Deed of Trust, Movant would allege that it is entitled to reasonable post-petition attorneys fees, including, but not limited to, fees, if any, for the preparation and filing of a proof of claim and fees and costs for the filing of this Motion for Relief from Stay.

8. Debtor has failed to provide adequate protection to Movant which constitutes cause to terminate the automatic stay of 11 U.S.C. §362(a).

9. By reason of the foregoing, Movant requests the Court to terminate the stay so Movant may proceed to foreclose in accordance with its Note and Deed of Trust.

10. Movant reserves the right to assert an 11 U.S.C. § 362(d)(2) Cause of Action, if appropriate, at the hearing on Movant's Motion for Relief.

11. The provision of Rule 4001 (a) (3) should be waived and Movant be permitted to immediately enforce and implement any order granting relief from the automatic stay.

WHEREFORE, Movant prays that this Court enter an order, after notice and hearing, terminating the automatic stay as to Movant; alternatively, Movant be made whole by having all payments brought current. Movant further prays that the Court waive the provision of Rule 4001 (a) (3) and that BANK OF AMERICA, N.A. be permitted to immediately enforce and implement any order granting relief from the automatic stay; that Movant be awarded its reasonable post-petition attorneys fees and expenses for this Motion; and, that Movant be granted such other and further relief as is just.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP

BY: /s/ JEFF FLEMING

JEFF FLEMING

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ATTORNEY FOR MOVANT

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2018, a true and correct copy of the foregoing Motion for Relief from Stay was served via electronic means as listed on the Court's ECF noticing system or by regular first class mail to the parties on the attached list.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP

/s/ JEFF FLEMING

03/28/2018

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TRUSTEE:

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US TRUSTEE:

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TYLER, TX 75702

DEBTOR'S ATTORNEY:

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MORTGAGORS:

SHANNON MCDOUGAL
4624 STAR RIDGE LANE
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PARTIES IN INTEREST:

None

PARTIES REQUESTING NOTICE:

None